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EAST TIMOR
Twenty years of violations

Statement before the United Nations Special Committee on Decolonization 11 July 1995

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This report contains the text of an oral statement about human rights in East Timor delivered by Amnesty International on 11 July 1995 before the United Nations (UN) Special Committee on Decolonisation. It also provides detailed evidence of human rights violations committed in the past year and concludes with a set of recommendations to the Indonesian Government and UN member states.

Indonesia has ruled East Timor for 20 years. During that time, the rights of East Timorese suspected of pro-independence activities have been systematically violated. Amnesty International's 1995 statement before the United Nation's Special Committee on Decolonization once again draws the attention of UN member states to a catalogue of human rights violations in East Timor.

Two major periods of unrest, in November 1994 and throughout January and February of this year, resulted in large scale arbitrary arrests, torture and beatings, and dozens of political trials including those of prisoners of conscience. All of these violations continue to be used by the authorities to silence even peaceful dissent in East Timor. And while the international spotlight forced the Indonesian Government to conduct an inquiry into the killings of six civilians in January this year, other reported killings and "disappearances" have not captured the imagination of the international community and remain unresolved.

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EAST TIMOR

Twenty years of violations

**"I grew up in tears, I live in tears,
I'll die in tears"**

Ninenteen year old Timorese man whose mother was raped by soldiers, his father killed and his brother disappeared.

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EAST TIMOR
Twenty years of violations

Statement before the United Nations
Special Committee on Decolonization - 11 July 1995
(Check against delivery)

Chair,

Indonesia has ruled East Timor for 20 years. During that time, the rights of East Timorese suspected of pro-independence activities have been systematically violated. Amnesty International regrets that in our statement today once again we have to draw the attention of United Nations member states to a catalogue of human rights violations in East Timor. In the light of a renewed crackdown by the Indonesian Government on the basic rights of East Timorese, Amnesty International takes this opportunity to describe the violations and make recommendations which, if implemented, would improve the human rights situation in East Timor.

Two major periods of unrest, in November 1994 and throughout January and February of this year, resulted in large scale arbitrary arrests, torture and beatings, and dozens of political trials including those of prisoners of conscience. All of these violations continue to be used by the authorities to silence even peaceful dissent in East Timor. And while the international spotlight forced the Indonesian Government to conduct an inquiry into the killings of six civilians in January this year, other reported killings and "disappearances" have not captured the imagination of the international community, and remain thus unresolved. As in previous years, the international community has once again failed to place sufficient pressure on the Indonesian Government to improve human rights. While UN mechanisms have themselves provided some of the strongest criticisms of Indonesia, this has not been consistently supported throughout the UN.

In June 1994, the Indonesian Government published a booklet called Setting the Record Straight on East Timor. The book was an attempt to address certain "myths" about Indonesia's rule of East Timor. The book opens with the following passage:

> *This myth ascribes to the Indonesian Government all sorts of horrible atrocities without a shred of evidence or proof that might be acceptable in a court of law. It is being made to appear that the Government of Indonesia would, without compunction, violate its own laws*

and fundamental principles and even the deeply ingrained values of its people.[1]

Regrettably, Amnesty International is able to provide ample evidence of such violations. All of the evidence provided in this statement concerns violations committed since June 1994.

At the same time as the Indonesian Government published its booklet on East Timor, Jose Antonio Neves, an East Timorese student activist, was being questioned by military intelligence officers in Malang, without the presence of a lawyer. His crime - attempting to send information overseas in order to dispel some of the Indonesian Government's own "myths" about improvements in human rights in East Timor. Jose Neves was sentenced to four years' imprisonment in February this year. He is a prisoner of conscience, convicted after an unfair trial which consistently violated Indonesia's own laws.

A few months later, between 125 and 180 East Timorese were arbitrarily detained after demonstrations which took place in Jakarta and Dili at the time of the Asia Pacific Economic Cooperation (APEC) meetings held in Indonesia. Some of those were beaten as they were being arrested and others were tortured in custody. Twenty-seven are now facing trial for their role in the demonstrations.

In January, Jose Antonio Belo and 23 others were arrested after a peaceful demonstration at the University of East Timor in Dili. Jose spent the first night of his arrest with his arms and legs tied, hanging upside down in a military intelligence office. When he was taken down the next morning he was beaten with sticks and wires and was reportedly subjected to electric shocks. Denying reports that Jose was at risk of torture, Major Laedon Simbolon, East Timor military spokesperson, said "We take good care of them and feed them, just to let them tell us the truth about why they did the demonstration and who stood behind them".[2] Jose has subsequently been sentenced to 18 months' imprisonment. His name is now added to Amnesty International's list of prisoners of conscience, convicted after unfair trials.

On 13 January, the Indonesian military announced that six Fretilin guerrillas had been shot and killed in a military clash with the army. We know now that the six were unarmed civilians and were the victims of political killings. Two soldiers have received prison sentences for the killings, but Major General Adang Ruchiatna, Military Commander of the region covering East Timor, is unsure about how it could have happened. "We have

[1] Setting the record straight on East Timor, by Irawin Abidin, Director of Information of the Department of Foreign Affairs, Republic of Indonesia, June 1994.

[2] Reuters, 12 January 1995.

to find out why they did what they did; was it because they had become "saturated" or because they were frustrated?" [3] The answer lies elsewhere. The killings are entirely consistent with a pattern of violations which results from a lack of systematic and thorough investigation of human rights violations. The killings took place within a system which, on the one hand, sends a soldier to jail for four and a half years for murdering six unarmed civilians, while on the other hand, sentences a prisoner of conscience to 15 years for his non-violent role in the Santa Cruz demonstration in November 1991.

In March 1995, the Chair of the 51st Session of the United Nations Commission on Human Rights issued a statement on East Timor, urging the Indonesian Government to continue to cooperate with the International Committee of the Red Cross (ICRC) by granting access to detainees.

Despite this cooperation, detainees continue to be tortured. Three weeks after the statement was issued, Jose Antonio Belo, already seen by the ICRC, was beaten again - this time he vomited blood. Hendrique Belmiro was beaten so badly by military intelligence officers after his arrest in December that he needed seven stitches to his head. Friends say that now as he faces trial on charges of rebellion, the torture and beatings have left him looking dazed and disoriented. These are just two examples of the reports of torture passed on to Amnesty International. There are more.

Before the end of this year the UN High Commissioner on Human Rights will visit East Timor. The seriousness of the situation places high expectations on the High Commissioner's visit. Amnesty International hopes that when the High Commissioner goes to East Timor he will urge the government to immediately implement the recommendations of the two UN experts who have conducted visits to East Timor, the Special Rapporteur on torture, and the Special Rapporteur on extrajudicial, summary and arbitrary executions. We also hope that the visit will result in concrete action, including steps taken by the Indonesian Government to investigate all past violations and prevent their future occurrence, and the abolition of legislation allowing for the detention of prisoners of conscience. Amnesty International also hopes that the visit will help to pave the way for international and domestic human rights monitors and journalists to gain unrestricted access to East Timor.

Amnesty International hopes that the recommendations of the High Commissioner will receive a more positive response from the Indonesian Government than that which was accorded to the reports of the two UN Special Rapporteurs following their visits to East Timor. Both the Special Rapporteurs have made concrete recommendations which would improve the human rights situation in East Timor. Sadly, with the exception of one recommendation of the Special Rapporteur on torture - the formation of a national human

[3] Jakarta Post, 20 June 1995.

rights commission - all other recommendations of both experts have to date been ignored by the Indonesian Government.

Amnesty International believes that violations will continue in East Timor until three steps are taken. These are:

- that the Indonesian Government undertakes concrete action to address the root causes of the violations occurring in East Timor, including impunity, arbitrary abuse of power by the security forces and legislation which allows for the detention of prisoners of conscience;
- that independent monitoring of violations is guaranteed in policy and practice;
- and that the international community consistently condemn violations whenever they occur in East Timor.

Unless these three steps are taken, the East Timorese will enter their third decade of torture, arbitrary detention, unfair trial, political imprisonment and killings. Thank you.[4]

The Liquiza Killings

The news that two soldiers will be imprisoned for unlawfully killing six men in Liquiza marks a rare moment when the Indonesian army publicly examines its record in East Timor and is likely to appease much international concern over human rights violations. While Amnesty International welcomes the inquiry and subsequent trials, the organisation is concerned that they do not mark any consistent change in policy or practice by the Indonesian Government and its security forces. Neither did the inquiry satisfactorily explain what happened at Liquiza. As with those members of the security forces convicted for their role in the Santa Cruz killings, the two soldiers in this case have received lighter sentences than civilians convicted of similar offences or of political acts.

On 12 January 1995, members of the Indonesian regional military command, (KODIM) from Liquiza, East Timor, killed six unarmed men in the village of Gariana. The six men were **Jose Nunes**, the village head of Gariana, **Agusto Pinto, Abel Nunes**, **Victor, Americo de Araujo** and **Osorio Soares.**[5] A statement by the military that the six were Fretilin guerrillas killed during a military clash was quickly challenged by concern that the

[4] The remainder of this document was not included in the oral presentation before the UN Special Committee on Decolonization but was submitted in written form.

[5]For more information see Amnesty International, East Timor: The Liquiza Killings, ASA 21/15/95, February 1995.

six were in fact unarmed civilians. Facing mounting international and domestic condemnation over the killings, the Indonesian Government announced an inquiry. Initial explanations offered by the military, both in East Timor and in Jakarta, varied. In the first few days after the deaths, East Timor's military spokesperson, Major Simbolon stated that the six were Fretilin guerrillas killed during a military battle. [6] Despite mounting scepticism and the announcement of a military inquiry, East Timor military commander, Colonel Kiki Syahnakri maintained this position when questioned again in early February.[7] On 11 February it was announced that the preliminary military inquiry had found that members of the army had violated "existing procedures". The East Timor military commander was continuing to deny however that the six were civilians; "The six people are Fretilin members who often rob the local people's belongings".[8] By 15 February however, Syahnakri had changed his story and was claiming that only two of those killed were guerrillas and that the remaining four were civilians "under the influence" of Fretilin. [9]

One week later, Armed Forces chief General Feisal Tanjung announced that a military council, *Dewan Kehormatan Perwira* (DKP), would be established to investigate the killings and that courts-martial may follow. He stuck to the story of the East Timor military commander that the group consisted of two guerrillas and four civilian supporters:

> *The four persons suspected of being guides are indeed civilians recruited by the GPK [Security Disrupters Movement] . Therefore they are indeed GPK men and the six died in an exchange of fire with the authorities.* [10]

Tanjung told a parliamentary hearing that the four civilians were killed because they "ran away", forcing the troops to shoot them. At the same time, Tanjung criticised the foreign media for publicising the story and causing damage to Indonesia's international reputation.

Also in February, the Indonesian National Commission on Human Rights, (*Komisi Nasional Hak Asasi Manusia* - KOMNAS HAM) began an inquiry into the killings. KOMNAS HAM went to East Timor twice to conduct investigations and there was considerable anticipation about what it would conclude. The commission stated at the outset that its findings would be made public. In fact, only partial findings were made public - a three-page press release on 1 March. KOMNAS HAM found that the six were "non-combatants" suspected of being members of Fretilin, who were intimidated and tortured by

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[6] Agence France Press, 17 January 1995.

[7] Agence France Press, 8 February 1995.

[8] Reuters, 11 February 1995.

[9] Agence France Press, 15 February 1995

[10] Jakarta Post, 21 February 1995.

the security forces and then unlawfully killed. The commission also found that the rights of the victims' families to obtain information about the deaths had been violated.

In April, Army Chief of Staff, General Hartono announced that, based on the findings of the DKP (the military council), soldiers had been found to have deviated from standard procedures and two would face courts-martial on criminal charges. Hartono maintained that those killed were two guerrillas and four rebel sympathizers and that the killings had occurred because of the army patrol's "fatigued psychological condition after a difficult three-day operation".[11] The findings of the DKP were not made public and consequently it is not clear how thorough its methods of investigation were, including its forensic work.

On 19 June, First Lieutenant Jeremias Kase was convicted by a military tribunal of disobeying the orders of his superior, ordering another person to commit murder, and making a false report to his superiors. He received a prison sentence of four and a half years and was dismissed from the military. Kase has the right of appeal. Private Rusdin Maubere was convicted of committing the killings and disobeying orders of his commanding officer. He was sentenced to four years in prison and was also dismissed from the army. Rusdin, an East Timorese, was quoted as having had difficulty understanding the charges against him which were read out in Bahasa Indonesia, ironically a common way in which East Timorese political detainees are denied a fair trial.[12]

A satisfactory result?

There are many elements of the inquiries and the courts-martial which lead Amnesty International to conclude that the process has not satisfactorily established the truth or provided justice for the victims. First, while KOMNAS HAM's inquiry found that the six killed had been intimidated and tortured, neither soldier appears to have been charged with torture. Eyewitnesses who spoke to KOMNAS HAM reported that five of the six were lined up in a ditch and executed. The sixth was apparently tortured and then killed.[13] This appears to have been ignored by the prosecution which alleged that Rusdin Maubere, under orders from Kase, shot four of the men by the edge of a stream and then shot Osorio Soares and Americo de Araujo.

Amnesty International welcomes the fact that the KOMNAS HAM conducted an inquiry into the Liquiza killings. However, as established by the Indonesian Government,

[11] Jakarta Post, 4 April 1995.

[12] Gatra 10 June 1995.

[13] Far Eastern Economic Review, 16 March 1995.

the commission's working methods, structure and powers fall well short of international standards, rendering its findings less than complete. To date the commission has not produced a comprehensive report of the killings, with the three-page press release being the only publicly available document. Its inquiries, and that of the DKP, were hampered by the fact that the military had tampered with evidence of the killings. For example, a shack near where the killings are alleged to have occurred was burnt down by the military. Even if the commission had been able to conduct a complete inquiry and present a full report, there is no legal obligation on the government to accept its findings. The fact that the commission's findings of torture were ignored by the courts-martial is clear evidence that its findings are not satisfactorily taken into account.

The status of the six killed remains unclear and the government appears unwilling to concede that they may have had no connection to the armed resistance. Regardless of whether the six had connections with the armed resistance however, Amnesty International is concerned that the army considers it is legitimate to shoot unarmed individuals. The instruction which Lieutenant Kase is alleged to have ignored from Lieutenant Colonel Trys Suraywan Adiwijaya, the Commander of the Liquiza Military District, stated that the patrol should capture alive any unarmed suspected members of the resistance, but that they could be shot if they resisted arrest or fled. Almost four years after the Santa Cruz massacre, when Indonesian soldiers fired on peaceful demonstrators, the Indonesian army appears to still condone the shooting of unarmed individuals.

While the sentences handed out to Kase and Maubere are heavier than those handed out to soldiers convicted of offences during the Santa Cruz massacre, they are still light in comparison to sentences for murder in civilian courts and sentences for political prisoners and prisoners of conscience. An Indonesian trader, Muhamad Sakir, convicted of the murder which sparked riots in East Timor in November 1994, was jailed for 11 years. Prisoner of conscience Jose Antonio Neves, an East Timorese arrested in 1994, is currently serving a four year sentence for passing on information about human rights violations in East Timor. Hendrique Belmiro, one of those currently facing trial in Dili for his alleged role in last November's demonstrations, is facing a possible 20 year sentence for staging armed resistance against the government.

Continuing impunity

The Indonesian Government claims that members of the security forces who commit violations are held accountable. Colonel Kiki Syahnakri, until recently military commander of East Timor, stated that "not a single member of ABRI", the Armed Forces, who commits violations escapes punishment. [14] To date however few incidents of violations have been investigated and few members of the army have been brought to justice. Those violations

[14] Australian Associated Press, 3 October 1994.

which have been investigated were subject to international and domestic scrutiny, placing pressure on the government to take some form of action. Even then, such investigations have failed to meet international standards. Amnesty International believes that it will take more to end political killings in East Timor than one highly publicised trial. The Indonesian Government should implement concrete measures to ensure that members of the security forces who commit violations are consistently held to account. Only then will the government send a clear message to members of the security forces that no violations will be tolerated.

Speaking after the sentences for Kase and Maubere were announced, Maj General Adang Ruchiatna, Military Commander of Udayana, which covers East Timor, stated:

> *I regret that such fine soldiers committed an error. This has made me realise that there are a lot of things that I have to do for the soldiers. ... We have to find out why they did what they did; was it because they had become "saturated" or because they were frustrated?* [15]

To find an answer to his own question, the military commander might find it useful to refer to the December 1994 report of the United Nations (UN) Special Rapporteur on extrajudicial, summary or arbitrary executions, regarding the Indonesian Government's inquiry into the killings and "disappearances" of the Santa Cruz massacre. The killings of at least 100 and possibly as many as 270 people when government troops opened fire on a peaceful demonstration at the Santa Cruz cemetery in Dili in November 1991 have never been properly investigated. The lack of adequate investigations into the Santa Cruz massacre continues to be highlighted at the UN Commission on Human Rights. This year's Chair's Statement again urged the Indonesian Government to continue the process of determining the fate of those killed and "disappeared".[16]

In a report which has been publicly criticised by the Indonesian Government, the Special Rapporteur concluded that the same conditions which allowed for soldiers to kill unarmed demonstrators in Dili in November 1991 are still present in East Timor. He has made 12 concrete recommendations to the Indonesian Government to ensure that members of the security forces do not commit killings and "disappearances" and to ensure thorough, prompt and impartial investigation of those violations which are committed. Amnesty International is concerned that despite receiving praise for allowing the Special Rapporteur to visit East Timor, the Indonesian Government has not even formally responded to the report, nor yet given any commitment to implement his recommendations.

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[15] Jakarta Post, 20 June 1995.

[16] "Situation of Human Rights in East Timor", Statement by the Chairman, United Nations Commission on Human Rights, 51st Session, March 1995.

The Special Rapporteur also expressed concern about the ability of KOMNAS HAM to conduct inquiries into violations of human rights:

> *...the National Human Rights Commission is not the most appropriate mechanism to deal with human rights violations in East Timor. Its mandate, the means of action at its disposal and its methods of work are insufficient. Furthermore, it is not trusted by the population of East Timor. In any event, it has not dealt with questions relating to East Timor. Consequently, the Special Rapporteur recommends that a commission for human rights in East Timor be created to monitor the situation of human rights ...* [17]

This recommendation is particularly relevant in light of recent statements from KOMNAS HAM that it intends to open a branch in East Timor.

On the positive side, what the Indonesian Government's response to the Liquiza killings does illustrate is that international and domestic condemnation of violations can lead the government to take action. The Liquiza killings were investigated not because unlawful killings by the army are investigated as a matter of course, but precisely because the international community and voices within Indonesia and East Timor raised concerns and would not allow the killings to fall from the public agenda. This should provide some proof of the importance of publicly condemning violations to those governments which continue to argue that a more effective way to improve human rights in East Timor is to engage in diplomatic dialogue and not publicly criticise the Indonesian Government.

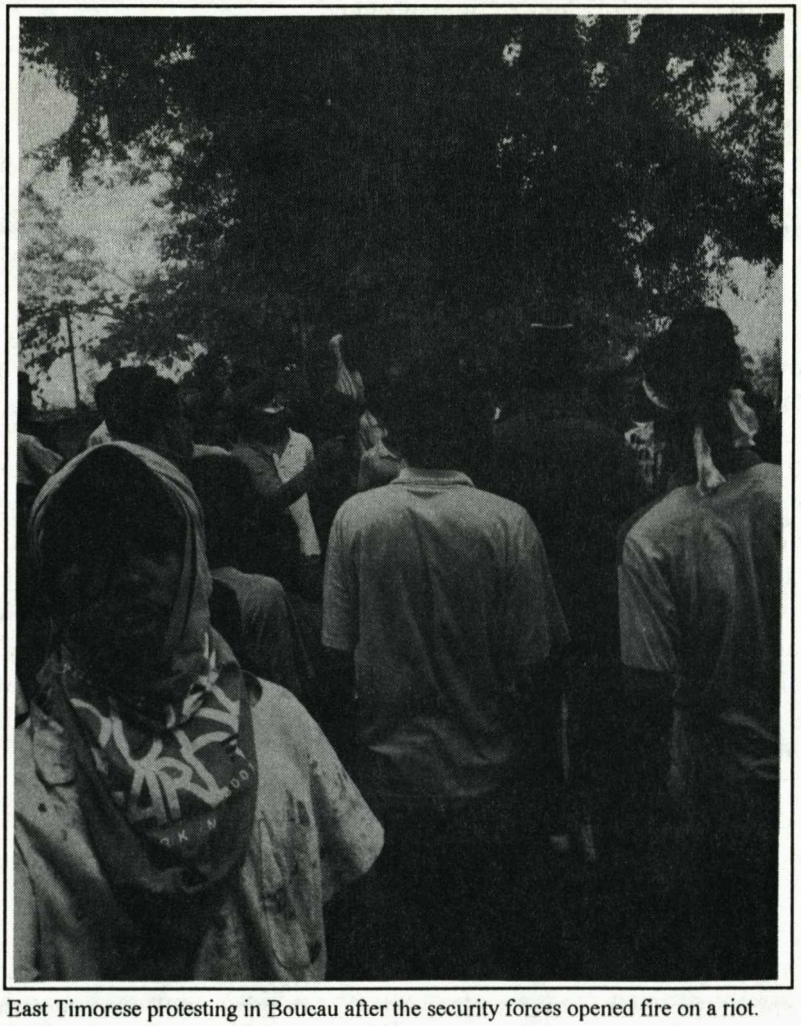
Other extrajudicial executions and "disappearances"

The Indonesian Government has already received considerable support for having pursued the military inquiry into the Liquiza killings. Amnesty International hopes that those governments which have welcomed the inquiry will pursue other reported extrajudicial executions in the last year with similar vigour. While the Liquiza killings quickly became the focus of international and domestic concern, the killings of between two and five people in **Baucau** in January 1995 have not to Amnesty International's knowledge been investigated.

On 1 January rioters in Baucau reportedly attacked shops and houses and set fire to the town's two markets. Indonesian immigrants were also reportedly attacked and

[17] Commission on Human Rights, 51st Session, Extrajudicial, summary or arbitrary executions, Addendum Report by the Special Rapporteur, Mr Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994, E/CN.4/1995/61/Add.1, page 27.

many sought refuge in the local military installation. Police initially tried to quell the rioters, but when this proved unsuccessful, two trucks of soldiers moved in. The military



East Timorese protesting in Boucau after the security forces opened fire on a riot.
© Terry Russell

said that they fired in the air to disperse the crowd, but that because it was dark, some of their bullets may have hit individual rioters. East Timor's military commander Colonel Kiki Syahnakri, acknowledged that five people, all with East Timorese names, were injured and taken to hospital.[18] Later the military stated that three people had died, including two killed during a private fight, and that a further five sustained injuries.[19]

[18] Agence France Press, 4 January 1995.

[19] Reuters, 5 January 1995.

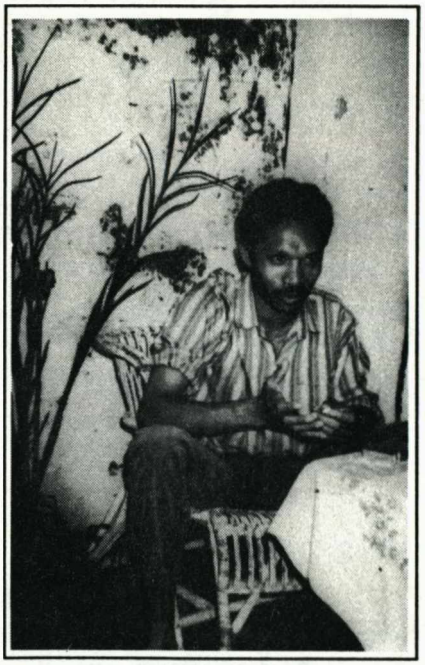
Baucau's mayor claimed that five East Timorese were killed during the clash, but he did not attribute the deaths to the military.[20]

Independent sources claimed that at least two people were shot and killed by the troops. As many as 15 may have been wounded. At least five of those reportedly shot have been identified as **Dominggos Jose Dos Reis, Alfonso Sarmento, Joao da Costa, Dominggos Marques** and **Abilio Freitas.** Dominggos Jose Dos Reis and Alfonso are believed to have subsequently died after being taken to the military hospital. The names of others wounded, killed or missing are not known.

Five youths are alleged to have "disappeared" after being arrested on 9 January in Dili. The five, **Eustáquio Pinto, Armando Soares, Julião Pinto, Jose Pinto** and **Francisco Amaral**, were all arrested by the military after the demonstration at the University of East Timor. At the end of February, the East Timor Police Chief stated that the fate of the five was being investigated because of reports of their "disappearance". Since then however there does not appear to have been any action taken and Amnesty International is concerned for their safety. Friends have expressed concern that the five may have died in military custody.

Arrests and Trials

The large number of East Timorese who have already been sentenced or are currently facing trial for political activities clearly contradicts statements that there has been an improvement in the human rights situation in East Timor. Since July 1994 there have been up to 60 East Timorese facing trial for their alleged role in pro-independence activities and many of these are prisoners of conscience. At least 24 of this group have already been tried, receiving sentences up to four years' imprisonment, some for the peaceful exercise of their opposition to Indonesia's rule of East Timor.



Jose Antonio Neves is serving a four year sentence for his peaceful pro-independence activities.

Jose Antonio Neves, an East Timorese student and human rights activist, was arrested in Malang, East Java on 19 May 1994. He was arrested by military intelligence authorities at the main post office in Malang and taken to a military safehouse. He was subsequently transferred to police custody on 16 June. In October 1994 Jose was brought to

[20] Reuters, 4 January 1995.

trial and accused of anti-government activities, in part because of attempts to send information about human rights violations in East Timor to foreign organizations. He was charged under Article 106 of the Criminal Code, which defines the attempt to separate part of the territory of the state of Indonesia as a crime punishable by life or 20 years' imprisonment. He was also charged under Articles 155 and 157 of the Criminal Code, which describe the public expression of "feelings of hostility, hatred or contempt towards the Government of Indonesia", as criminal offences. On 16 February 1995 he was sentenced to four years in prison. Jose has declared that he will not appeal the decision. He is currently in jail in Malang, in a cell which is less than two metres wide by two metres long. Amnesty International considers Jose Neves to be a prisoner of conscience, detained in conditions which amount to cruel, inhuman and degrading treatment.

Pedro Fatima Tilman, Rosalino dos Santos, Miguel de Deus, Pantaleao Amaral, Marcus de Araujo and **Isaac Soares** were detained in May 1994 for their role in a peaceful demonstration in front of foreign journalists in April 1994. The group have now been sentenced to prison terms ranging from 18 months to two years for expressing hostility towards the government. They were arrested without warrants and taken to the military intelligence unit (Satuan Tugas Intelijen - SGI) of the Sub-Regional Military Command for East Timor (KOREM 164/Wira Dharma) in the Colmera district of Dili where they were interrogated about their political activities. None were believed to have been accompanied by legal counsel during their interrogation and trials. Amnesty International also received reports that they were not provided with any assistance to lodge an appeal against their sentences, such as access to independent lawyers or writing material with which to prepare an appeal.

In response to a UN letter concerning the case of Pedro Fatima Tilman, the Indonesian Government stated that:

> *His action of organising the demonstration was mainly targeted to attract foreign journalists residing at the Mahkota Hotel on 14 April 1994. This task was basically organised by the "forsa", the core armed group. It was planned that the participation in the demonstration would be enlarged dramatically so as to create the opportunity to trigger a clash between pro-integration and anti-integration sympathizers before those foreign journalists. This pattern of operation has unfortunately proved to be useful as shown by the Dili incident of 12 November 1991.*[21]

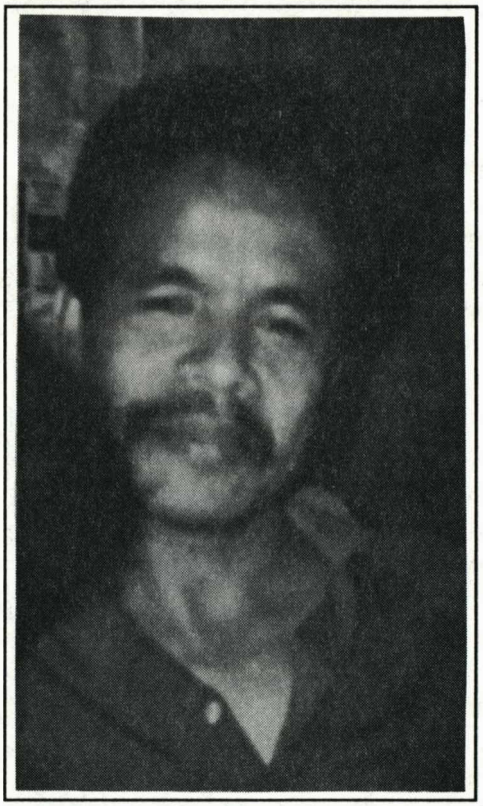
There is to date no evidence which supports the government's contention that Pedro was instigating violent actions or inciting others to violence. In addition, all of the group appear

[21] Letter from the Indonesian Permanent Mission at the United Nations to the United Nations Working Group on Arbitrary Detention, dated 18 April 1995.

to have been tried under Article 154 of the Indonesian Criminal Code which states that "..the public expression of feelings of hostility, hatred or contempt toward the government..." is punishable by up to seven years' imprisonment. This article of the criminal code makes no reference to violent activities and is in fact frequently used to detain peaceful political opponents of the Indonesian Government both in Indonesia and East Timor.

In November 1994 as the Indonesian Government hosted the APEC meetings both Indonesia and East Timor became the focus of international media attention. Demonstrations and unrest in Jakarta and in East Timor led immediately to large scale arrests, torture, beatings and charges. Amnesty International does not condone the acts of violence which occurred during the unrest, but is concerned that many of those targeted by the authorities in the aftermath were detained for their non-violent pro-independence activities. The organisation is also concerned at the excessive use of force by the authorities during the unrest.[22]

There are believed to be 27 people facing trial for their alleged role in demonstrations in November 1994. Two of those are **Hendrique Belmiro da Costa** and **Matheus Gouiviea Duarte**, a nurse and civil servant with the Health Department. Hendrique Belmiro was subjected to extensive torture and beatings during his arrest and interrogation. Hendrique was first beaten when he was arrested at his house on 4 December by officers from the military intelligence headquarters, SGI, in Colmera. He was immediately hit and kicked while officers pulled items off the shelves in his home. He was then taken to the SGI headquarters. His wife was first refused access to him but after intervention by the ICRC she was able to see her husband. Hendrique was held at SGI until 3 February during which time he was subjected to torture, including electric shocks, reportedly administered through his handcuffs. As a result of the beatings to his head and body, Hendrique needed seven stitches for a wound on his head. Visitors reported that in April he still bore the signs of a wide gash on his forehead. Hendrique

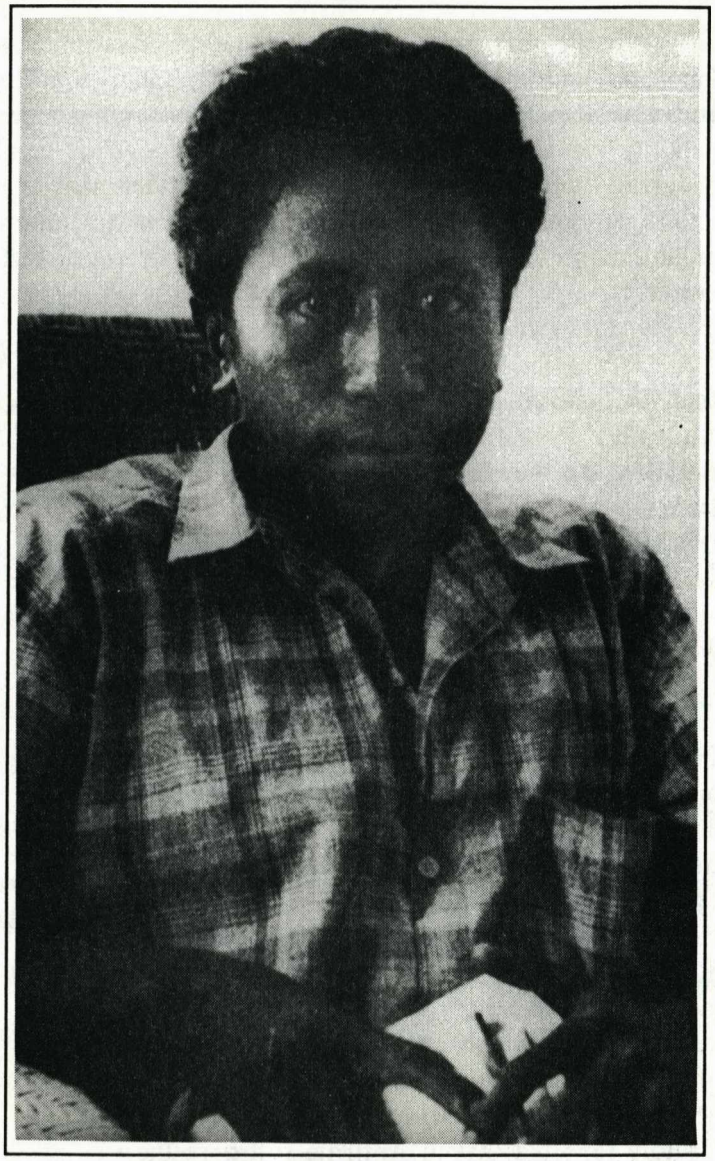


Hendrique Belmiro, currently facing up to 20 years in jail, was severely beaten in military detention.

[22] For more details see Amnesty International Indonesia & East Timor: The 12 November Protests, ASA 21/53/94 and Indonesia and East Timor: Update on the 12 November Protests, ASA 21/56/94.

and Matheus have both been charged under Article 108 of Indonesia's Criminal Code which punishes armed rebellion against the government with between 15 and 20 years' imprisonment. Amnesty International is concerned that testimony extracted under torture will be used in Hendrique's case.

Jose Antonio Belo and 23 other youths were arrested on 9 January at a peaceful demonstration at the University of East Timor in Dili. Jose and another detainee, Jose Pinto, were taken to SGI were they were beaten, reportedly to the point of losing consciousness. They were then transferred to the District Police office in Comoro but Belo was taken back to SGI and held there until 13 January. Belo was denied food for two days and his arms and legs were tied up. He was then hung upside down overnight. When he was taken down he was beaten with sticks, wires and was reportedly subjected to electric shocks. While this was happening Major Laedon Simbolon, East Timor military spokesperson, denied that there was any reason to be concerned for the group's well-being; "We take good care of them and feed them, just to let them tell us the truth about why they did the demonstration and who stood behind them".[23]



Jose Antonio Belo, jailed for 18 month for his part in a peaceful protest.

[23] Reuters, 12 January 1995.

Jose Antonio Belo was subjected to torture because he was apparently believed to have been the "mastermind" behind the peaceful demonstration. The "cooperation" of the Indonesian Government with the ICRC was not enough to protect him. According to information received by Amnesty International, Jose Antonio Belo was pressured to tell the ICRC that he was not being subjected to ill-treatment or torture. He was also pressured to say that he did not want to meet with the ICRC. On 1 April, Jose Antonio Belo was reported to have been tortured by jail officials at Becora prison until he vomited blood and received a wound on his neck. This treatment was apparently because Belo had "behaved badly" in the jail. There were later unconfirmed reports that Belo was again tortured prior to his trial starting in May. Jose and at least nine others arrested with him have now been sentenced to prison terms ranging from 18 months to two and a half years. All are prisoners of conscience, convicted after unfair trials.

There are also believed to be up to 15 people currently facing trial for their alleged involvement in the so-called "ninja" attacks. In early February this year, gangs of hooded youths, believed to be acting with the complicity of the military, began operating in Dili and other towns of East Timor. The gangs roamed the streets at night, stoning and burning houses, and attacking residents. The gangs were alleged also to have abducted individuals. Those being targeted by the gangs appeared to be individuals suspected of involvement in the November 1994 demonstrations. The army denied that the gangs were linked to the military and in fact alleged that they were pro-independence agitators creating further instability in East Timor. Nevertheless, eyewitnesses reported that members of the military were present during some attacks but took no action to stop the gangs' violence.

As the attacks by the gangs subsided in Dili, arrests began. On 21 February, East Timor's police chief, Andreas Sugianto stated that 14 people were being held and that 12 would face charges in relation to their attempts to set up vigilante groups to counter attacks by the "ninja" gangs. Later reports indicated that some 15 people may be currently facing trial on charges of disturbing public order for their alleged involvement in the gangs.[24] Details of the group are unclear, although it appears that some of those detained are suspected pro-independence activists. Amnesty International is concerned that the government used the unrest created by the gangs as a pretext for intimidating and detaining pro-independence activists.

Others recently arrested include **Joao De Araujo** and **Jose Minas**, both 26, who were believed to have been detained on 20 March in Dili in connection with the demonstrations in November 1994. Both were taken to SGI where Joao was subjected to beatings and torture which resulted in him being unable to breathe properly. Jose may also have been tortured. Both are believed to have been released in mid June, although

[24] Reuters, 4 May 1995.

neither was ever charged. **Raul da Cruz Tilman**, a civil servant from Ainaro, was arrested on 16 May by military intelligence officers, along with **Joaquim**. The current whereabouts of the two are not known. **Augusto Pereira**, from the same area, was arrested on 20 May and taken into military custody in Ainaro. The three were all apparently arrested in connection with the recent capture by the military of a suspected Fretilin member. Nine other civilians are alleged to have been arrested in Viqueque after a recent attack by Fretilin on an army post.

Further evidence of a lack of improvement in the human rights situation is demonstrated by the manner in which the arrests of the last year have been conducted, contravening both international standards and Indonesian law. Suspected political opponents in East Timor are frequently arrested by members of the military, despite provisions within the law which state that arrests should be carried out by police. Both Jose Neves and Hendrique Belmiro were arrested by military intelligence officers and detained initially by the military. Suspected political detainees are frequently arrested without warrants. Hendrique Belmiro was arrested without a warrant, as was Jose Antonio Belo and the 23 others arrested with him after the demonstration at the University of East Timor in January.

In addition to those arrested and tried since June 1994, there are at least 15 political prisoners, including prisoners of conscience, still serving sentences for prior convictions. All 15 were convicted after unfair trials. This group includes 10 prisoners of conscience sentenced to prison terms ranging from five and a half years to life for their non-violent role in the Santa Cruz demonstration in Dili in November 1991 and demonstrations in Jakarta in response to the Santa Cruz massacre. In June 1994, six of this group, **Filomeno da Silva Pereira**, **Francisco Miranda Branco**, **Gregorio da Cunha Saldanha**, **Jacinto das Neves Raimundo Alves**, **Juvencio de Jesus Martins** and **Saturnino da Costa Belo**, were moved from Dili to Semarang Prison in central Java. The six had staged a demonstration during a prison visit by foreign journalists in April 1994 and it appeared that they were moved to Semarang to avoid further embarrassment to the Indonesian authorities during a visit to East Timor by the UN Special Rapporteur on extrajudicial, summary and arbitrary executions. They were moved without any notification to their families, prompting fears that they had "disappeared". The six continue to be held in Semarang despite appeals for them to be allowed to return to Dili where they would be closer to family and friends.

Torture

Amnesty International continues to receive reports of political detainees in East Timor being tortured on a regular basis, despite access by the ICRC to those in detention. Even prisoners who are seen by the ICRC are not free of the risk of torture before or after visits by the ICRC. Detainees report being pressured not to describe their torture and ill-treatment to the ICRC, and there has been at least one report of a detainee who was

pressured to refuse to meet with the ICRC.

The presence of large numbers of foreign media and government representatives in Indonesia and East Timor during November 1994 ensured extensive observation of the military's handling of the demonstrations which as a result was more restrained than in earlier incidents. Nevertheless, there was clear evidence that members of the security forces used excessive force in dealing with the protesters, in some cases leading to serious injury. A young East Timorese man, **Dominos da Silva**, who assisted a German television crew was so severely beaten by plainclothes security officials that his face was "unrecognizable". The beating occurred when Dominos tried to explain to military authorities why he had helped the German crew in the chaos of a demonstration. The result of the beating was described by a correspondent for the British Broadcasting Corporation (BBC) who saw Dominos as he arrived at the hotel:

> *He has blood streaming down his back and one side of his face is so swollen it's unrecognizable. They thrashed the living daylights out of him - he owes his life to the German crew who seized him and dragged him away from the police as they were beating him.*[25]

Dozens of others were known to have suffered minor injuries in the course of the unrest, and some had to be hospitalized. Given the clear evidence of ill-treatment in the case of Dominos da Silva, it is likely that at least some of the injuries suffered by others were inflicted by members of the security forces using excessive force. Two female demonstrators were known to have been beaten as a result of their participation in a demonstration on 18 November. The first was beaten by men in plain clothes who stopped when they realised they were being watched by foreign observers. The second was a woman who was beaten by men in plainclothes directly outside a police station in Dili. The woman claimed that the men were from the military and that they were attempting to force her into the police station. In early December it was reported that some of those detained following the demonstrations were beaten and tortured in military detention. A group of youths from southwest of Dili were reportedly stripped, beaten and subjected to electric shocks by the military. One source told Amnesty International that out of a group of 13 who had been detained, only one did not claim to have been ill-treated or tortured.

The torture continued. Hendrique Belmiro and Jose Antonio Belo's cases have already been described. Responding to allegations that Jose Antonio Belo had been tortured, the Indonesian Government stated:

[25] BBC World Service, News Hour, 18 November 1994.

Jose Antonio Belo and his 24 friends were never detained. They were brought to the Police office only for questioning on 9 January 1995 and they left the office on the same day. Before, during and after questioning, they were never beaten, detained, tortured or ill-treated. [Original underlined] [26]

Bobby Xavier, arrested on 26 December 1994, also claims that he was beaten while in detention at SGI in Dili. He claims that he was subjected to electric shocks through wires attached to his ears, neck, hands and feet, to have been beaten until he fell unconscious and then to have been cut on the forehead with a razor blade.

An experienced Australian trauma nurse who spent two months in East Timor this year saw injuries that he was told were the result of torture and ill-treatment. In the eastern part of East Timor he saw men with burns to the nasal septum and the penis, apparently as a result of connecting electrodes to these parts of the body. The nurse was also told of another common method of torture, whereby a person's head was put in a bucket of water with a hole cut in the bottom of the bucket. Water would then be continuously poured into the bucket so that the level was just below the detainee's nose, forcing them to constantly struggle for breath. The nurse also witnessed a young boy being beaten on his head with a rifle butt. He was later told that an eight year old boy had been treated in the local clinic.

Unfair trials

Political trials in East Timor are routinely unfair and the trials of the last twelve months were no exception. Access to independent legal advice has been denied to those on trial and many of the detainees have been interrogated by military intelligence and police officers without legal representation. Evidence extracted under such conditions is used in convictions. Amnesty International is not aware of any East Timorese political trial in recent years which has resulted in a not guilty verdict.

Detainees are frequently interrogated initially without the presence of an independent lawyer. What is of particular concern however is that some detainees, having managed to demand independent legal advice, have been pressured into withdrawing power of attorney given to independent lawyers. Jose Antonio Belo and others tried for their role in the demonstration at the University of East Timor were pressured into refusing independent legal representation at their trial. In late January, after receiving a power of attorney for several of the group, lawyers were refused permission to meet with their clients at the District Police office. The next day the lawyers waited three hours before being allowed to meet with their clients. Until this

[26] Response from the Indonesian Government to the United Nations Special Rapporteur on the question of torture - Ref No: G/SO 214 (53-10).

time, the detainees had not had access to any independent legal advice. The detainees had also been refused permission to meet with their families during the first 10 days of their detention. The group ultimately withdrew their power of attorney for the independent lawyers and were consequently unrepresented in court.

Other political detainees currently facing trial have also withdrawn their power of attorney from independent lawyers. When independent lawyers have managed to defend political detainees, they have been subjected to threats and intimidation and were prevented from obtaining information about the dates of their clients' trials. Those detainees without lawyers are also frequently denied information about trial dates.

Short-term detention

In addition to those charged and tried, other East Timorese continue to be subjected to short-term detention both in East Timor and Indonesia, a mechanism commonly employed to intimidate suspected political opponents. The incidence of short-term detention peaks during periods when the authorities suspect that demonstrations or protests will be planned, for example during media coverage of APEC, or the visit of the UN Secretary General to Indonesia in April 1995. It is likely that this practise will continue for the rest of this year, in which East Timor marks 20 years of Indonesian rule.

In November 1994 alone, in the immediate aftermath of the APEC demonstrations, there were at least 125 and possibly as many as 180 East Timorese detained, although many were released shortly afterwards. Often those arrested were detained for a few hours or over night and then released. Some were required to report to the authorities after their release, never knowing whether they would be taken into custody again or not. In addition to this group, Amnesty International believes that some 70 other East Timorese have been arrested in both East Timor and Indonesia since December, most having been released shortly afterwards. This figure is by no means exhaustive - it is only the cases which Amnesty International is aware of. It also does not include individuals known to be currently facing trial.

Some of these cases which have been reported to Amnesty International include:

- In July 1994, 22 were arrested after a demonstration at the University of East Timor in Dili. Police and military used tear gas to break up the demonstration of around 200 students. Dozens were beaten by the security forces, some sustaining serious injuries. Eight were admitted to hospital. Those arrested were held for at least 10 days.

- In December, **Lino Guteres**, **Jose da Costa** and **Luis Pinto** were arrested in Sorong, Irian Jaya, as they were allegedly trying to cross the border into Papua New Guinea.

- On 4 March, six people were taken in for questioning in Liquiza allegedly for their suspected involvement with Fretilin.

- In April, up to 24 East Timorese in Jakarta and Dili were arrested on suspicion of planning to organise demonstrations during the visit to Indonesia of UN Secretary General Boutros-Boutros Ghali. Four were arrested in Dili on 25 April. Police chief Andreas Sugianto acknowledged the reason for the arrests was that the four "hoped to show the world that their struggle is not yet over".[27] At the same time in Jakarta around 20 East Timorese were taken in for questioning by police as they arrived by boat at Jakarta's Tanjung Priok port. Authorities denied that the group had been arrested or were being detained, but said that they were checking the identities of the group. Six of those arrested have now apparently complained to KOMNAS HAM that they were arrested without warrants and held for questioning for eight hours.

- Twenty-four East Timorese were arrested by police at 2 am on 4 June in Jakarta, again at a time when the Indonesian authorities were concerned about East Timorese staging demonstrations while UN sponsored talks on East Timor where occurring in Austria. Again the arrests were carried out without warrants. All were released the same day, but they were reported to be under surveillance in the immediate period after their release.

The United Nations and member states

Against this backdrop of continuing violations, the international community has once again failed to place sufficient pressure on the Indonesian Government to improve human rights. While UN mechanisms have themselves provided some of the strongest criticisms of Indonesia, this has not been consistently supported throughout the UN. The most serious criticism of the Indonesian Government's human rights record came in the November 1994 report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Three years after a similarly damning report by the Special Rapporteur on torture, only one of his 11 recommendations has been implemented, Amnesty International is concerned that the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions may suffer the same fate. In the meantime, the Indonesian Government has received praise for allowing both rapporteurs to visit.

[27] Reuters, 26 April 1995.

This year's UN Commission on Human Rights (UNCHR) adopted a chairperson's statement on East Timor which expressed concern about continuing violations and the incomplete investigation into the Santa Cruz "violent incident". It also called on the Indonesian Government to implement the findings of the Special Rapporteur on extrajudicial, summary or arbitrary executions. The statement called on the Indonesian Government to continue its policy of "greater access" to East Timor, including for human rights and humanitarian organisations and international media. Access to East Timor for independent human rights monitoring, both international and domestic, which is crucial to the prevention of violations, continues to be restricted. Amnesty International continues to be denied permission to visit. Foreign journalists, recently accused by the military of inciting riots in Dili, have been unable to obtain permission to travel to East Timor since mid January this year.[28] It now appears that obtaining permission for international media will be difficult until at least after Indonesian Foreign Minister Ali Alatas' meeting with his Portuguese counterpart. All of this was known by the UNCHR, which was in session at a time of heightened violations during which foreign journalists were prevented from travelling to East Timor.

Recommendations

Amnesty International urges the Indonesian Government to:

1. Take immediate steps to implement the recommendations of the UN Special Rapporteur on torture. In particular ensure that any detainee is held in an officially recognised place of detention and is brought promptly before a judicial authority after arrest and that all detainees are given prompt and unrestricted access to legal counsel of their own choice.

2. Take immediate steps to implement the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions. In particular ensure that all reported extrajudicial killings and disappearances, including those which occurred during the Santa Cruz massacre, are promptly, thoroughly and independently investigated and that those found responsible are tried in civilian courts.

3. Invite the Special Rapporteur on torture to conduct a follow up visit to East Timor, and extend invitations to the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor.

4. Release all East Timorese prisoners of conscience immediately and unconditionally.

[28] The only exception to this, to Amnesty International's knowledge, is two Australian journalists who were granted permission to accompany the Australian Ambassador on a visit in March.

5. Stop the practice of arbitrary detention of alleged political opponents.

6. Allow access to East Timor for independent international and domestic human rights monitors and foreign journalists.

Recommendations to UN Member States

Amnesty International urges member states of the UN to:

1. Call on the Indonesian Government to implement the recommendations of the UN Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

2. Express concern at the continued practice of arbitrarily detaining alleged political opponents and call for the immediate and unconditional release of prisoners of conscience.

3. Urge the Indonesian authorities to conduct full, prompt and impartial inquiries into all cases of extrajudicial killings and "disappearances".

4. Urge the government to improve access to East Timor for independent international and domestic human rights monitors and journalists.

5. Urge the government to ensure that any detainee has the right in practice to independent legal representation of their choice.

Appendix I - East Timorese on trial since June 1994

Name	Date/Place of arrest	Charge/accusation	Sentence
Pantaleão Amaral, 18	May 1994, Dili, East Timor	Article 154 - expressing hostility towards the government.	20 months
Miguel de Deus, 21	3 May 1994, "	"	20 months
Isaac Soares, 22	May 1994, "	"	20 months
Rosalino dos Santos, 22	3 May 1994, "	Article 154	20 months
Marcus de Araujo, 21	4 June 1994, "	Article 154	18 months
Pedro Fatima Tilman, 24	May 1994, "	Article 154	2 years
Jose Antonio Neves, 32	19 May 1994 in Malang, East Java	Articles 106, 155 and 157	4 years
Simiao Soares da Silva, 20	July 1993	Article 154, raising a Fretilin flag in July 1993	3 years
Agusto Mouzhinho, 24	July 1993	"	3 years
Jose Antonio Belo, 23	9 January 1995, University of East Timor, Dili	Article 154	18 months
Alfredo Lopes, 22	"	"	2 years
Jose Hendriques, 23	"	"	2 years and 1 month
Pedro da Costa, 18	"	"	2 years and 2 months
Ignacio de Jesus Santos, 23	"	"	20 months
Zito Lemos Bareto, 21	"	"	21 months
Carlos Bernes Bareto, 20	"	"	2 years and 6 months

Alexandrino da Costa, 20	"	"	2 years and 2 months
Jose Pinto, 22	"	"	2 years and 2 months
Paulo Jose Amaral, 21	"	"	2 years and 6 months
Luis Tavares, 17	"	"	18 months
Mario Pinto da Costa Ximenes, 20	"	"	Not known
Joao Manuel, 19	"	"	"
Bendito Salon, 18	"	"	"
Filomeno dos Santos, 20	"	"	"
Ipolito da Silva, 15	"	"	"
Hendrique Belmiro, 42	4 December 1994, Dili	Article 108, armed rebellion against the government	Currently being tried.
Matheus Gouiviea Duarte, 44	4 December 1994, Dili	"	Currently being tried
JAY, 21	Not known	Article 214, violent assault/rebelliousness	17 months
Jacinto dos Santos Loho	Not known	Article 187, arson	Not known
Elidio Maia	"	"	"
Julio Araujo de Jesus	"	"	"
Marcelino da Costa	"	"	"
Pransitas Klau	"	"	"
S Neves	"	"	"
Joao Alexio	"	Stoning and vandalising	14 months
Julio Guteres	"	Stoning and vandalising	1 year
Santiago Sanches Lajes	"	"	1 year

Atiko Silvano Ribeiro Martins, 19	"	Damage to property and arson	Not known
Agustino Belo	"	"	17 months
Carleto Breok	Not known	Alleged involvement in "ninja" counter-attacks	Not known
Octavianus	"	"	"

Appendix II - Amnesty International Reports on Human Rights Violations in East Timor since 1994

- **Indonesia & East Timor: Fact and Fiction - Implementing the Recommendations of the UN Commission on Human Rights**, 16 February 1994 (ASA 21/05/94)

- **East Timor: Who Is To Blame? Statement Before the UN Special Committee on Decolonization**, 13 July 1994 (ASA 21/31/94)

- **East Timor: Protesters beaten, detained and "disappeared"** August 1994 (ASA 21/34/94)

- **Indonesia & East Timor: An Amnesty International Briefing**
28 September 1994, (ASA 21/16/94)

- **Indonesia & East Timor: Power and Impunity - Human Rights Under the New Order**, 28 September 1994, (ASA 21/17/94)

- **Indonesia & East Timor: The 12 November Protests**, 15 November 1994 (ASA 21/53/94)

- **Indonesia & East Timor: Update on the 12 November Protests**, 23 November 1994 (ASA 21/56/94)

- **Indonesia & East Timor: Political prisoners and the "Rule of Law"**, January 1995 (ASA 21/01/95)

- **Indonesia & East Timor: Human Rights in 1994 - A Summary**, January 1995 (ASA 21/03/95)

- **East Timor: Continuing Human Rights Violations**, February 1995 (ASA 21/10/95)

- **East Timor: The Liquiza Killings**, February 1995 (ASA 21/15/95)